

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALLEN CABIAO, et al.,

Plaintiff,

v.

JOHN SUYES,

Defendant.

CASE NO. 2:10-CV-01756-MJP

ORDER ON MOTION TO DISMISS

The Court, having received and reviewed:

1. Defendant's Motion to Dismiss Plaintiffs' Second Amended Complaint (Dkt. No. 24)

2. Second Amended Verified Complaint for Quiet Title (Dkt. No. 14)

and all attached declarations and exhibits, makes the following ruling:

IT IS ORDERED that the matter is DISMISSED with prejudice. Plaintiffs, having previously been given an opportunity to amend their complaint and having failed to do so successfully, will not be permitted to amend further.

1 Defendant has filed a motion to dismiss to which Plaintiffs have failed to respond. "If a
2 party fails to file papers in opposition to a motion, such failure may be considered by the court as
3 an admission that the motion has merit." Local Rule 7(b)(2).

4 A review of Plaintiffs' amended complaint suffices to confirm Defendant's allegations in
5 his motion. The complaint is completely devoid of any facts which connect the defendant to any
6 of the alleged fraudulent activity of which Plaintiffs complain. Their legal theory, to the extent
7 that it can be divined from their vague, illogical pleadings, appears to be that title in their
8 property somehow returned to them following the trustee's foreclosure sale necessitated by
9 Plaintiffs having defaulted on their mortgage. It is confusing at best, and Defendant rightfully
10 complains that it is impossible to ascertain what cause of action is pled against him and what
11 relief is being sought.

12 This complaint is ordered dismissed. As the Court finds that further amendment would
13 be futile, the dismissal will be made with prejudice.

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15 The clerk is ordered to provide copies of this order to all counsel.

16 Dated March _17_, 2011.

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20 Marsha J. Pechman
21 United States District Judge
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